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Environmental Cleanup Office

## CITIZENS FOR A HEALTHY BAY

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April 22, 2004

Mr. David L. South, Site Manager  
Everett Smelter Comment  
Dept. of Ecology, NW Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

Re: Disposal of Everett ASARCO Smelter site soils to Ruston OCF

Dear Mr. South:

This letter provides the position of Citizens for a Healthy Bay (CHB) regarding the proposal to place contaminated soils from the Everett ASARCO onto the ASARCO Ruston/North Tacoma facility

*Board of Directors*  
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CHB opposes EPA's finalized proposal to disposal of Everett soils onto the Ruston/North Tacoma site, as the plan:

- Triples the amount of material from Everett to Ruston/North Tacoma;
- Allows for placement of up to 50,000 cubic yards of material onto the Ruston/North Tacoma site outside of the OCF;
- Creates an obvious precedent that allows disposal of contaminated materials from other problem sites into the Commencement Bay area;
- Ties the completion of remedial action of the ASARCO Smelter facility in Ruston/North Tacoma to completion of the unrelated Everett action, thereby potentially delaying conclusion of the Commencement Bay action
- Potentially decreases the redevelopment value of the Ruston/North Tacoma lands because of the presence of the additional contaminated material and possible perception of the area as a "dump site".
- Was made outside of the public process and without conducting a formal public hearing to take Ruston/North Tacoma community input.

The original proposal to bring Everett soils to the ASARCO Ruston/North Tacoma site for disposal was presented to the community on January 9, 2003 in what was then characterized as a "pre-public meeting". Specifically, the original proposal was presented as:

- 25,000 cubic yards of contaminated soils from the Everett site would be brought to the Ruston/North Tacoma site for confined disposal into the OCF.
- All Ruston/North Tacoma site materials would be placed into the OCF before Everett material was brought in.
- Everett soils would not be stockpiled at the Ruston/North Tacoma site.
- Placement of Everett soils into the Ruston OCF would not establish a precedent for placement of additional contaminated materials into the Ruston/North Tacoma site or any other Commencement Bay site in the future.

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- Assurances that, before making a final decision, another meeting and another opportunity for community input would be conducted. At that time, EPA stated that, "its issues regarding this proposal had not been addressed and so was not in a position to make a final decision".

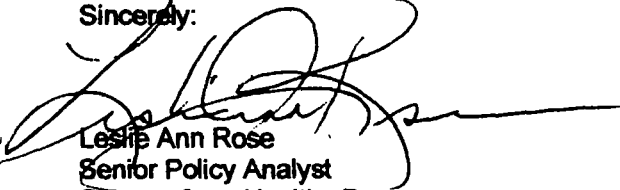
At best, the community input received by EPA during the January 9, 2003 informal pre-public meeting was mixed. Those present reluctantly and grudgingly accepted the possibility that accepting 25,000 cubic yards of Everett soils into the OCF might be their best opportunity to complete the local action and was only given after receiving EPA assurances that a formal public process would be conducted prior to a final determination. Despite this assurance, there were no other public processes conducted in Ruston/North Tacoma and the community was deprived of meaningfully participating in the negotiations that resulted in the decision to bring up to 75,000 cubic yards of contaminated soils from Everett to the Ruston ASARCO facility. The Ruston/North Tacoma community expressed adamant opposition to the proposal to bring additional contaminated soils from Everett to Ruston/North Tacoma during the March 30, 2004 public meeting conducted by EPA at the ASARCO Ruston site.

For these reasons, Ecology must mandate an alternate disposal site for all Everett materials except the original 25,000 cubic yards to be placed into the Ruston/North Tacoma OCF.

CHB is a community based, non-profit environmental organization representing the greater Commencement Bay community acting to engage citizens to clean up, restore and protect the Commencement Bay environs. As such, over the last 13 years, we have acted to provide community oversight and public participation into the clean up of the ASARCO Smelter site in the Commencement Bay Superfund problem area.

Thank you for your consideration of our remarks and for adding this letter into the Administrative Record.

Sincerely:



Leslie Ann Rose  
Senior Policy Analyst  
Citizens for a Healthy Bay

cc: Kevin Rochlin, EPA